

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE  
W/S Murray Hill Road, 440' N \* DEPUTY ZONING COMMISSIONER  
of the c/l of Bellona Avenue \* OF BALTIMORE COUNTY  
(6406 Murray Hill Road)  
9th Election District  
4th Councilmanic District  
James D. Hardesty and Elizabeth H. Tomlinson, Pers. Repr., Estate of Dorothy Dunn Hardesty - Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, James D. Hardesty and Elizabeth H. Tomlinson, Personal Representatives of the Estate of Dorothy Dunn Hardesty. The Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 40 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of June, 1993 that the Petition for Administrative Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 30 feet in lieu of the required 40 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*Timothy M. Kotroo*  
TIMOTHY M. KOTROO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 5/13/93  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 8, 1993

(410) 887-4386

Mr. James D. Hardesty  
Ms. Elizabeth H. Tomlinson  
c/o Mercantile Safe Deposit and Trust Bank  
Baltimore, Maryland 20003

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
W/S Murray Hill Road, 440' N of the c/l of Bellona Avenue  
(6406 Murray Hill Road)  
9th Election District - 4th Councilmanic District  
James D. Hardesty, et al - Petitioners  
Case No. 93-387-A

Dear Mr. Hardesty:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,  
*Timothy M. Kotroo*  
TIMOTHY M. KOTROO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Ms. Helen Leigh Swann  
327 Broadmoor Road, Baltimore, Md. 21212

People's Counsel

File

Printed on Recycled Paper



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6406 Murray Hill Road

which is presently zoned DR 2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 of the B.C.Z.R. to permit a rear yard of 30 feet in lieu of the required 40 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) The lot was established in 1939 prior to the zoning regulations. The lot area is 12,700 S.F. or 0.278 acres. The existing dwellings currently "violate" the DR 2 rear yard requirement (36' in lieu of 40'). The most logical and compatible addition would enclose the EXISTING footprint of the covered terrace joining the two wings of the existing dwelling. This addition would require a minimum 30 foot rear wall.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

With an attorney chosen and sworn under the penalties of perjury that they are the legal owner(s) of the property which is the subject of this Petition.  
Legal Owner(s): JAMES D. HARDESTY, as Personal Representative of the estate of DOROTHY DUNN HARDESTY.  
Type or Print Name: James D. Hardesty  
Signature: [Signature]  
Address: 327 Broadmoor Road  
City: Baltimore, Maryland 21212  
State: MD Zip: 21212  
Attorney for Petitioner: [Signature]  
Type or Print Name: Helen Leigh Swann  
Signature: [Signature]  
Address: 327 Broadmoor Road  
City: Baltimore, Maryland 21212  
State: MD Zip: 21212  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

A Public Hearing having been held and notice thereof having been given, it is ordered by the Zoning Commissioner of Baltimore County, this 5/13/93 day of May, 1993, that the subject matter of this petition be and is hereby granted, as requested by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

No Review  
5/31/93  
WCR

Item # 401

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) herein component to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 6406 Murray Hill Road

Baltimore, Maryland 21212

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

This lot was established prior to current zoning regulation. Although zoned DR 2 it is only 12,700 S.F. or 0.278 acres. The contract purchaser, HELEN LEIGH SWANN, wishes to enclose the existing covered terrace at the rear of the house. This would require a minimum 30 foot rear yard. This matter has been discussed by Mrs. SWANN with the owners of the adjacent properties, and they are most amenable to the idea.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

James D. Hardesty Elizabeth H. Tomlinson  
JAMES D. HARDESTY ELIZABETH H. TOMLINSON  
Type or Print Name Type or Print Name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  
I HEREBY CERTIFY, this 3rd day of May, 1993, before me, a Notary Public of the State of Maryland, and for the County aforesaid, personally appeared

James D. Hardesty Elizabeth H. Tomlinson  
James D. Hardesty Elizabeth H. Tomlinson  
Type or Print Name Type or Print Name

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of Affiant(s) knowledge and belief.

As WITNESS my hand and Notarial Seal.

My Commission Expires: Oct. 95

Review of  
5/13/93  
WCR

## ZONING DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCE

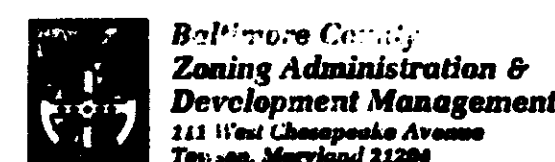
ZONING DESCRIPTION FOR 6406 MURRAY HILL ROAD

ELECTION DISTRICT 9 COUNCILMANIC DISTRICT 4

BEGINNING AT A POINT ON THE WEST SIDE OF MURRAY HILL ROAD WHICH IS THIRTY FEET (30') WIDE AT A DISTANCE OF FOUR HUNDRED FORTY FEET (440') NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET BELLONA AVENUE WHICH IS FORTY FEET (40') WIDE. BEING LOT # 4 BLOCK --- SECTION # --- IN THE SUBDIVISION OF MURRAY HILL AS RECORDED ON BALTIMORE COUNTY PLAT BOOK #12, FOLIO # 42, CONTAINING 12,100 SQUARE FEET OR 0.278 ACRES.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: PH Date of Posting: 5/16/93  
Posted for: Variance  
Petitioner: James D. Hardesty, et al & Helen Swann  
Location of property: 6406 Murray Hill Rd, W/S, 440' N of Bellona Ave  
Location of signs: Being reviewed by property to be posted  
Remarks: ---  
Posted by: [Signature] Date of return: 5/16/93  
Number of signs: 1



Date: 5/3/93

401 (WCR)

VARIANCE (#010) \$50.00  
SIGN POSTING (#080) \$35.00  
TOTAL \$85.00

Legal Owner: James D. Hardesty & Elizabeth H. Tomlinson, Personal Representatives for Estate of Dorothy Dunn Hardesty  
Contract Purchaser: Helen Leigh Swann

6406 Murray Hill Road  
9c4

03403N107W1CHRC  
BA C001:59PM05-07-93  
Please Make Check Payable To: Baltimore County

Cashier Validation

111 West Chesapeake Avenue  
Towson, MD 21204

May 24, 1993

Ms. Helen Leigh Swann  
327 Broadmoor Road  
Baltimore, MD 21212

RE: Case No. 93-387-A, Item No. 401  
Petitioner: James D. Hardesty, Personal Representative of the Estate of Dorothy Dunn Hardesty  
Petition for Administrative Variance

Dear Ms. Swann:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 3, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby sponsored zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

5-14-93

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 401 (WCE)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee Date: May 14, 1993

FROM: Captain Jerry Pfeifer  
Fire Department

SUBJECT: Comments for 05/24/93 Meeting

- Item 396 Buildings, roads and systems designed to deliver water for fire protection purposes shall be approved by the Fire Department.
- Item 397 Driveway shall be of a width to provide for Fire Department vehicle access.
- Item 398 No Comments
- Item 399 Space shall comply to the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
- Item 400 Townhouses, for which the initial building permit is applied for after July 1, 1992, are required by State Law to be sprinklered.  
Additional fire hydrants are needed on Binnacle Lane, Seabreeze Lane, and the north section of Marina Drive.
- Item 401 No Comments
- Item 402 Space shall comply to the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
- Item 403 No Comments
- Item 404 No Comments

RECEIVED  
MAY 17 1993  
ZADM

111 West Chesapeake Avenue  
Towson, MD 21204

May 18, 1993

(410) 887-3353

Helen Leigh Swann  
327 Broadmoor Road  
Baltimore, MD 21212

RE: Preliminary Petition Review (Item #401)  
Legal Owner: James D. Hardesty and  
Elizabeth H. Tomlinson, Personal  
Representatives for the Estate of  
Dorothy Dunn Hardesty  
6406 Murray Hill Road  
9th Election District

Dear Ms. Swann:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials.

A copy of the papers appointing James D. Hardesty and Elizabeth H. Tomlinson as Personal Representatives for the Estate of Dorothy Dunn Hardesty must be submitted to this office.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Catherine A. Milton  
By: Catherine A. Milton  
Planner I

CAM:scj

cc: Zoning Commissioner

Enclosure: Receipt

111 West Chesapeake Avenue  
Towson, MD 21204

MAY 14, 1993

(410) 887-3353

Helen Leigh Swann  
327 Broadmoor Road  
Baltimore, Maryland 21212

Re: CASE NUMBER: 93-387-A (Item #401)  
6406 Murray Hill Road  
9th Election District - 4th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reference regarding the administrative process.

1) Your property will be posted on or before May 23, 1993. The closing date (June 7, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Arnold Jablon  
Director

SHAW/HALL ASSOCIATES, LTD.  
Architects & Structural Engineers  
557 Park Avenue  
BALTIMORE, MARYLAND 21201

DATE: 5/24/93

SUBJECT:

RE: CASE # 93-387-A  
ITEM 401

CATHERINE A. MILTON  
BALTO. CO. OFFICE OF ZONING ADMIN  
111 WEST CHESAPEAKE AVE  
TOWSON, MD 21204

DEAR MS. MILTON,  
PLEASE FIND ATTACHED THE "LETTER OF ADMINISTRATION" APPOINTING JAMES D. HARDESTY AND ELIZABETH HARDESTY TOMLINSON AS PERSONAL REPRESENTATIVES FOR THE ESTATE OF DOROTHY DUNN HARDESTY AS YOU REQUESTED IN YOUR LETTER DATED MAY 12, 1993.

RECEIVED  
MAY 28 1993

ZADM



State of Maryland

LETTERS OF ADMINISTRATION

Estate No. #77112

I certify that Administration of the Estate of

DOROTHY DUNN HARDESTY

was granted on the 1ST day of MARCH, 1993

to JAMES D. HARDESTY & ELIZABETH HARDESTY TOMLINSON as

Personal Representative and the appointment is in effect this 1ST

day of MARCH, 1993

Signature of Notary Public

VALID ONLY WITH IMPRINTED SEAL

WITNESS the signature of Murray Hill Corporation, a body corporate, Grantor herein, by Seymour O'Brien, its Vice-President, and its corporate seal hereto affixed, duly attested by its Secretary; witness also the hand and seal of George Hobner, Jr., Purchaser herein named, all on the day and date first above written.

MURRAY HILL CORPORATION,

By Seymour O'Brien,  
Vice-President.  
(Corporate Seal)

Witness:

Ella M. Wedekind.

Attest:

John D. Armstrong, Jr.  
Secretary.

Witness:

Ella M. Wedekind.

George Hobner, Jr. (Seal)

State of Maryland, } ss:  
City of Baltimore, }

I HEREBY CERTIFY that on this 21st day of June, 1993, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared SEYMOUR O'BRIEN, Vice-President of Murray Hill Corporation, a body corporate, and acknowledged the foregoing Deed and Agreement as the act and deed of the said corporation.

WITNESS my hand and Notarial Seal.

(Notary Seal)

Ella M. Wedekind,  
Notary Public.

State of Maryland, } ss:  
City of Baltimore, }

I HEREBY CERTIFY that on this 21st day of June, 1993, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared GEORGE HOBNER, JR., and acknowledged the foregoing Deed and Agreement as his act and deed.

WITNESS my hand and Notarial Seal.

(Notary Seal)

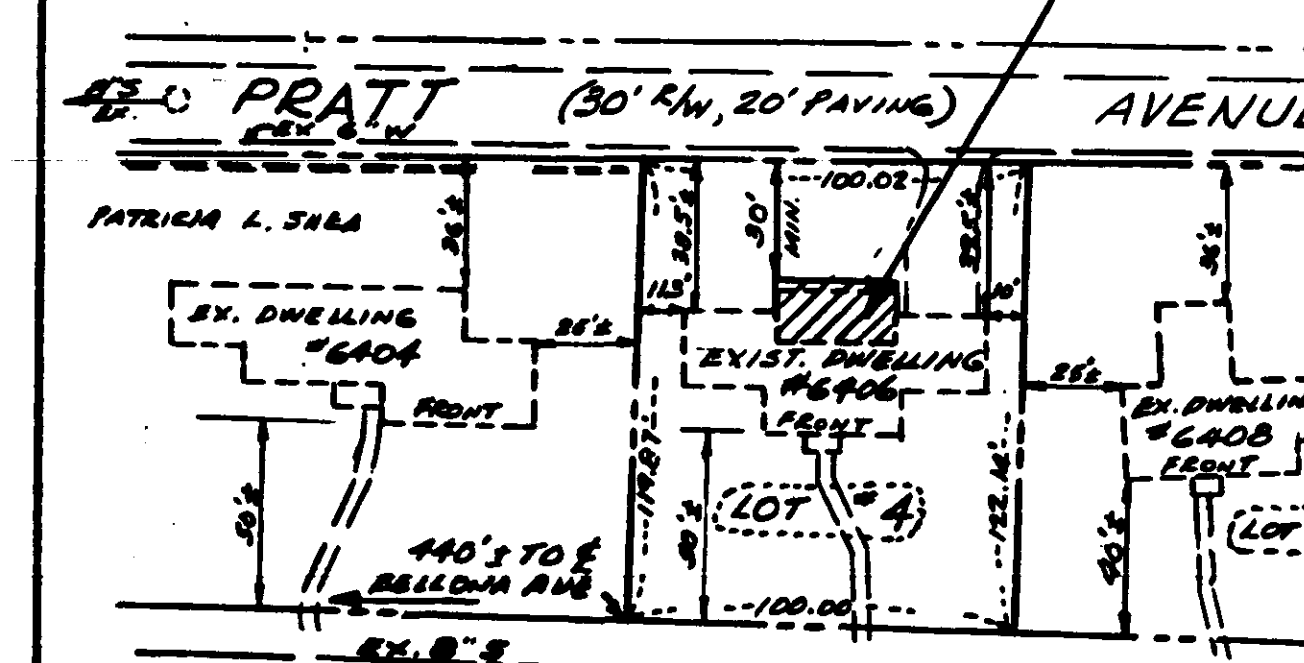
Ella M. Wedekind,  
Notary Public.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

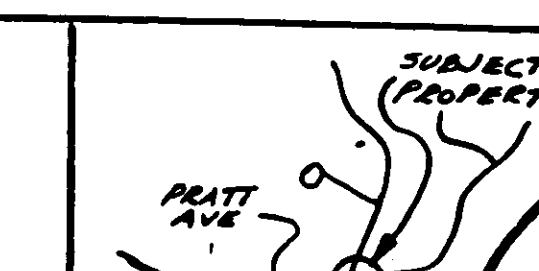
PROPERTY ADDRESS: 6406 MURRAY HILL ROAD  
SUBDIVISION NAME: MURRAY HILL  
PLAT BOOK # 12, FOLIO # 4, LOT # 4, SECTION # 4/A

OWNER: ESTATE OF J. EARLY HARDESTY

93-387-A



DATE: APRIL 30, 1993  
PREPARED BY: CONTRACT PURCHASER  
SCALE OF DRAWING: 1"=50'



LOCATION INFORMATION  
ELECTION DISTRICT: 9  
COUNCILMANIC DISTRICT: 4  
1"=200' SCALE MAP  
ZONING: DR 2  
LOT SIZE: 0.278 ACRES  
ACREAGE SQUARE FT. 12,100

SEWER: PUBLIC  
WATER: PUBLIC  
CHES- BAY CRITICAL AREA: NO  
PRIOR ZONING HEARINGS: NONE

ZONING OFFICE USE ONLY!  
REVIEWED BY: ITEM #: CASE#:  
401

93-387-A

401



VIEW FROM REAR YARD OF 6406 MURRAY HILL ROAD  
TO 6408 MURRAY HILL ROAD



VIEW FROM REAR YARD OF 6406 MURRAY HILL ROAD  
TO 6404 MURRAY HILL ROAD

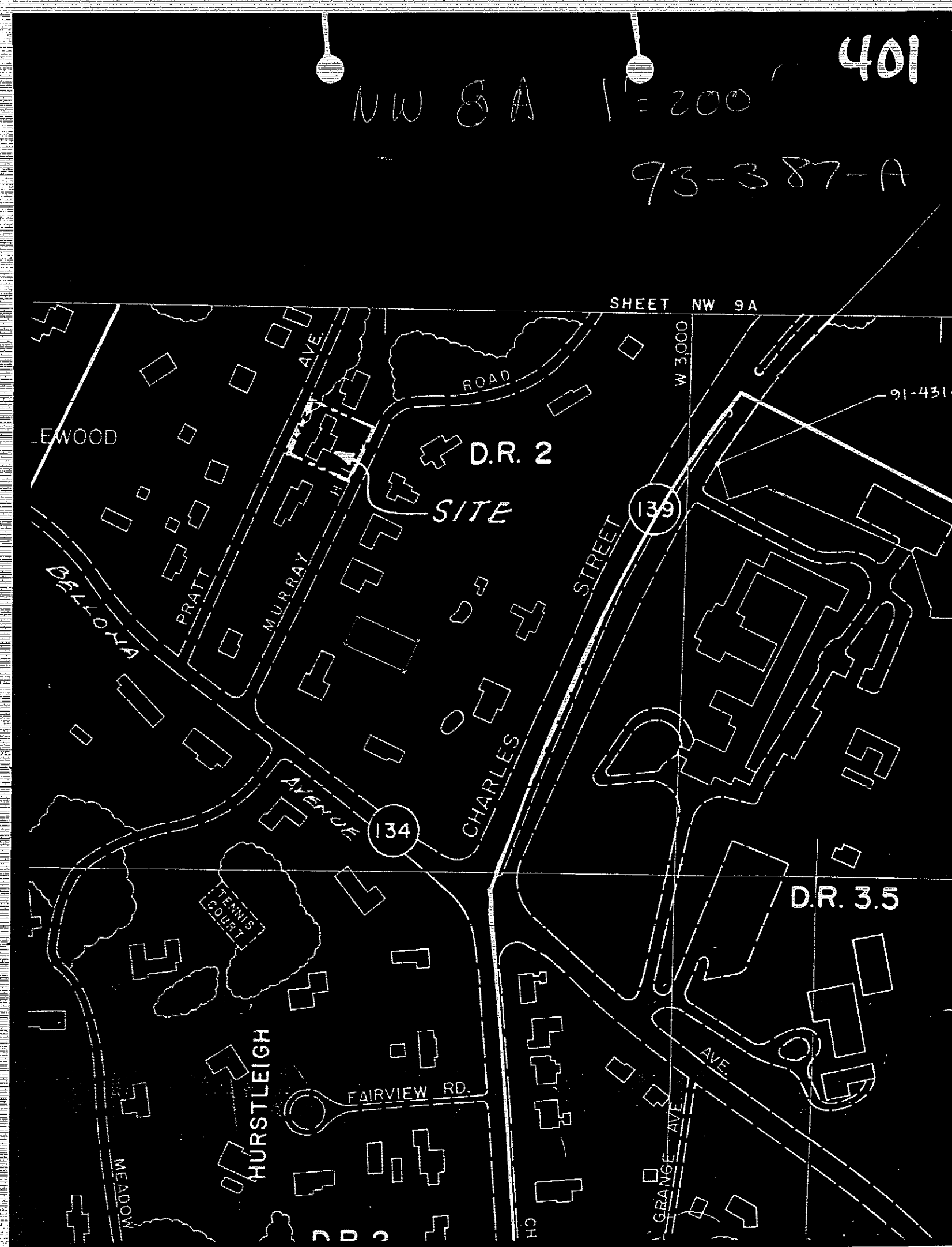
401



VIEW FROM MURRAY HILL ROAD (FRONT)  
93-387-A



VIEW FROM PRATT AVENUE (REAR)



93-387-A

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	RODGERS FORGE	N.W. 8-A
DATE OF PHOTOGRAPHY JANUARY 1986	401	